



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Yolanda Reid, City of Newark

Administrative Appeal

CSC Docket No. 2018-1838

ISSUED: May 1, 2020 (EG)

Yolanda Reid, a Project Coordinator, Construction, City of Newark, represented by Lynsey A. Stehling, Esq., differential backpay from November 2016 to the present.

By way of background, the appellant received a provisional appointment to the title of Project Coordinator, Construction on October 5, 1998. She was permanently appointed to Project Coordinator, Construction effective September 18, 2002.

In the present appeal, the appellant contends that she is not being compensated the proper amount. She argues that a promotional announcement for Project Coordinator, Construction issued on November 21, 2016 indicates that the salary range for the title was \$78,122.48 to \$105,234.31. She asserts that her salary \$72,746.59 is below the range set forth for the title according to the announcement. In support of this assertion, the appellant submits a copy of an email from a Supervising Principal Personnel Technician for the appointing authority that indicates that the appellant is on step 3 of the salary range, receiving a salary of \$72,746.59. Further, the appellant argues that a fellow employee also in the title of Project Coordinator, Construction, is in step one of the salary range and is receiving a salary of \$78,122.48. In support, she provides a response from this Agency to an Open Public Records Act (OPRA) request which confirms the salary of this other employee. Finally, she requests that she receive differential backpay from November 2016 to the present and that her salary be adjusted appropriately to \$78,122.48.

In response, the appointing authority, represented by Karron A. Rizvi, Assistant Corporation Counsel, argues that the salary amount listed on the promotional announcement in question was posted inaccurately. It states that pursuant to Executive Order No: T-12-0014 dated August 2, 2012, the salary range for Project Coordinator, Construction is \$67,127.13 to \$89,604.97. In support of this contention, it submits a copy of Executive Order No: T-12-0014 which indicates the salary as stated by the appointing authority. Further, the appointing authority asserts that the \$78,122.48 to \$105,234.31 salary range is for the title Project Coordinator, Engineer, not for Project Coordinator, Construction.

In reply, the appellant reiterates her previous arguments and adds that an October 1, 2018 promotional announcement for Project Coordinator, Construction also indicated that the salary range for the title was \$78,122.48 to \$105,234.31.

The appointing authority replied that the October 1, 2018 promotional announcement was also incorrect and that the correct salary range for Project Coordinator, Construction was still \$67,127.13 to \$89,604.97.

CONCLUSION

Initially, it is noted that *N.J.A.C.* 4A:2-1.1(b) provides that an appeal must be filed within 20 days after the appellant knew or reasonably should have known of the decision, situation or action being appealed. In this regard, the appellant has been in the Project Coordinator, Construction title since 1998 and did not file an appeal regarding her salary until late 2017. Additionally, assuming she was not aware of any discrepancy until she saw the November 21, 2016 promotional announcement, she still has not provided any reason for her delay of a year to file an appeal. The purpose of time limitations is not to eliminate or curtail the rights of appellants, but to establish a threshold of finality. In the instant case, the appellant's delay in filing her claim unreasonably exceeds that threshold of finality. Thus, it is clear that the appellant's request for additional monies is untimely.

However, despite the foregoing, the Civil Service Commission (Commission) will address several substantive issues raised in this matter. *N.J.S.A.* 11A:3-7(d) provides that employees of political subdivisions are to be paid in reasonable relationship to titles and shall not be paid a base salary below the minimum or above the maximum established salary for an employee's title. *See also*, *N.J.A.C.* 4A:3-4.1(a)2. In this regard, the appointing authority has provided Executive Order No: T-12-0014 dated August 2, 2012, which provides that the salary range for Project Coordinator, Construction is \$67,127.13 to \$89,604.97. The appellant sole argument is the salary range for Project Coordinator, Construction was listed on two separate promotional announcements as \$78,122.48 to \$105,234.31. The appointing authority has indicated that these salary ranges are inaccurate and that

they reflect the salary range for a different title, Project Coordinator, Engineer. A review of Executive Order No: T-12-0014 reveals that the salary range for Project Coordinator, Engineer is indeed \$78,122.48 to \$105,234.31. Therefore, it appears that the salary range in the two promotional announcements in question were incorrect due to an error in the posting. In this regard, no vested or other rights are accorded by an administrative error. *See Cipriano v. Department of Civil Service*, 151 *N.J. Super.* 86 (App. Div. 1977); *O'Malley v. Department of Energy*, 109 *N.J.* 309 (1987); *HIP of New Jersey v. New Jersey Department of Banking and Insurance*, 309 *N.J. Super.* 538 (App. Div. 1998). Therefore, the appellant's salary falls within the establish salary range for the title of Project Coordinator, Construction. Moreover, the Commission notes that the salary of the coworker referenced by the appellant also falls within the established salary range for the title of Project Coordinator, Construction. Consequently, since the salaries for both are within the minimum and maximum of the established salary range, the Commission does not have the jurisdiction to review any other arguments. Accordingly, based on the foregoing, the appellant's appeal is denied.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 29TH DAY OF APRIL , 2020



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Yolanda Reid
Lynsey A. Stehling, Esq.
Karron A. Rizvi, Assistant Corporation Counsel
Kelly Glenn
Records Center